

Dec. 12, 2001

fax: 202-616-9937

Renata Hesse, Trial Attorney

Suite 1200

Antitrust Division, Department of Justice

601D Street NW

Washington, DC 20530

Dear Attorneys:

I am responding to the invitation for public response in the Microsoft antitrust case.

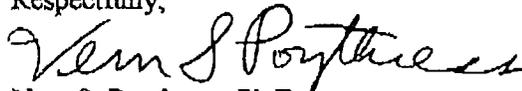
As an experienced user of Microsoft Windows, Microsoft Office, and Internet Explorer, and one with some acquaintance both with Microsoft practices and with other operating systems, I must say that I am greatly disappointed with the terms being offered in the proposed settlement. The court has pronounced Microsoft guilty of practices involving maintaining monopoly position. Yet the proposed penalties have virtually no teeth. All computer desktop users could benefit from more open competition, yet the proposed settlement allows Microsoft to go its own way at crucial points.

At a minimum, the settlement should stipulate the following:

- Microsoft must publish in full the API for the Windows operating system, making it available for free to all, not just available to those who meet its own criteria.
- Microsoft must publish full descriptions of its file formats (e.g., for Word, Excel, PowerPoint). It is well known that the secrecy of these formats helps Microsoft preserve monopolist control of the Office market.
- Microsoft must publish full descriptions of network interfaces. Without these, Microsoft uses its current dominant position to make incompatibilities that push firms into using nothing but Microsoft operating systems on every computer in the network.
- Microsoft must have sales arrangements with computer wholesalers and retailers that allow them to sell their computers *without* a windows operating system as well as with it. And the price differential must be the same as what it would cost to obtain the windows operating system without the hardware. This alone assures a level playing field, in which Microsoft does not use its market dominance to bully computer companies into offering no other options than Windows.
- Ongoing compliance must be monitored by an independent group not containing Microsoft employees.

These moves are fair penalties that specifically target monopolistic practices. They would, moreover, strengthen the U.S. computing market by allowing genuine competition. And they would in the long run encourage Microsoft itself to do better by making better products rather than using its resources and ingenuity to produce more unfair practices.

Respectfully,



Vern S. Poythress, Ph.D.

510 Twickenham Rd.

Glenside, PA 19038-2033

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